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9 Counsel for Plaintiff

10
11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 MARK KALLING, on behalf of himself)
14 and all others similarly situated,)
15 Plaintiff,) Case No.: 2:17-cv-02592-JCM-NJK
16 v.)
17 CANNERY CASINO RESORTS, LLC.)
18 (d/b/a Cannery Casino Hotel)(d/b/a)
19 Cannery Casino & Hotel); and DOES 1)
through 100, inclusive,)
Defendants.)

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**JOINT STIPULATED MOTION AND
ORDER ON BRIEFING SCHEDULE AND
PAGE LIMITS REGARDING
DEFENDANT'S MOTION TO DISMISS;
SUPPORTING DECLARATION OF CHANT
YEDALIAN**

21 IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys for
22 the parties as follows:

23 1. The parties had previously agreed on a briefing schedule whereby Defendant would
have until May 17, 2018 to file its motion to dismiss, Plaintiff would have until June 18, 2018 to file
its opposition, and Defendant would have until July 2, 2018 to file its reply. The Court was
previously notified of this agreement concerning a briefing schedule as part of a joint status report
filed by the parties. Dkt. No. 15, at ¶ 3. This briefing schedule was not intended for the purpose of

1 any delay but was based on the respective availability, schedule and work demands of counsel for the
2 parties.

3 2. Pursuant to the parties' agreed upon briefing schedule, Defendant filed its motion to
4 dismiss on May 17, 2018. Dkt. No. 17.

5 3. The parties respectfully seek an order adopting the remaining balance of the agreed
6 upon briefing schedule, such that Plaintiff will have until June 18, 2018 to file its opposition to the
7 motion to dismiss, and Defendant will have until July 2, 2018 to file its reply.

8 4. In addition, Plaintiff respectfully requests an order allowing him an additional 10 pages
9 for his opposition. Defendant's motion to dismiss raises three different purported grounds for
10 dismissal (1) Article III standing, (2) the claim that there is no FACTA violation, and (3) the claim
11 that if there is a violation, the violation was not willful. Yedalian Decl. at ¶ 1. Based upon Plaintiff's
12 counsel's experience briefing like matters, Plaintiff's counsel believes Plaintiff will need the excess
13 pages to adequately respond to each of the three different grounds raised by Defendant's motion to
14 dismiss. *Ibid.* Had only one of these grounds been raised (instead of three), Plaintiff would have had
15 24 pages to respond to one ground. *Ibid.* Here, although three different grounds are raised, Plaintiff is
16 *not* seeking to increase the page limit threefold but is instead only seeking an additional 10 pages (34
17 pages in total) to address all three different grounds raised by Defendant's motion. *Ibid.* Defendant
18 does not have any objection to Plaintiff's request. *Ibid.* Likewise, Plaintiff does not oppose
19 Defendant having an additional 5 pages for its reply, which Defendant deems sufficient. *Ibid.*

20 5. IT IS THEREFORE STIPULATED AND AGREED that Plaintiff will have until June
21 18, 2018 to file its opposition to the motion to dismiss, and Defendant will have until July 2, 2018 to
22 file its reply.
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1 6. IT IS THEREFORE FURTHER STIPULATED AND AGREED that the page
2 limitation for Plaintiff's opposition to the motion to dismiss will be enlarged from 24 to 34 pages, and
3 Defendant's page limitation for its reply will be enlarged from 12 pages to 17 pages.

4 Dated this 25th day of May, 2018.
5

6 By: /s/ Chant Yedalian, Esq.
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16 And
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25 **IT IS SO ORDERED.**

24 Dated: May 30, 2018

25

James C. Mahan

HON JAMES C. MAHAN
United States Judge

DECLARATION OF CHANT YEDALIAN

I, Chant Yedalian, declare as follows:

I am an attorney at law licensed to practice before all of the courts of the State of California and have been admitted *Pro Hac Vice* to practice before this Court in this case. I am one of the attorneys for the named Plaintiff Mark Kalling. As such, I have personal knowledge of, or am informed and believe, the following facts herein stated. If called as a witness, I could and would testify competently to the following:

1. I respectfully request an order allowing Plaintiff an additional 10 pages for his opposition to Defendant's motion to dismiss. Defendant's motion to dismiss raises three different purported grounds for dismissal (1) Article III standing, (2) the claim that there is no FACTA violation, and (3) the claim that if there is a violation, the violation was not willful. Based upon my experience briefing like matters, I believe Plaintiff will need the excess pages to adequately respond to each of the three different grounds raised by Defendant's motion to dismiss. Had only one of these grounds been raised (instead of three), Plaintiff would have had 24 pages to respond to one ground. Here, although three different grounds are raised, Plaintiff is *not* seeking to increase the page limit threefold but is instead only seeking an additional 10 pages (34 pages in total) to address all three different grounds raised by Defendant's motion. Defendant's counsel has informed me that Defendant does not have any objection to Plaintiff's request. Likewise, Plaintiff does not oppose Defendant having an additional 5 pages for its reply, which Defendant's counsel has advised it deems sufficient.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 25th day of May 2018.

/s/ – Chant Yedalian
CHANT YEDALIAN
Declarant